

Testimony of Eugene Lee

On behalf of

Asian Pacific American Legal Center

**Testimony before the Voting Systems and Procedures Panel
Secretary of State, State of California**

**June 16, 2005
Sacramento, CA**

My name is Eugene Lee and I am a staff attorney in the Voting Rights Project at the Asian Pacific American Legal Center (APALC). APALC works towards policies and practices that ensure eligible Asian Pacific Americans and other voters can exercise the right to vote.

I wanted to provide comments on the ES&S AutoMARK, which I had the opportunity to observe on June 1 and June 13, 2005. We believe that the AutoMARK's touchscreen interface would be easy for API voters to use, including API voters for whom English is not their first language. In California, more than one-third of the API population is limited English proficient.

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Another benefit that touchscreen voting offers to limited English proficient voters arises in the fact that many poll sites which are targeted by jurisdictions for language assistance fail to have translated sample ballots. In November 2004, APALC conducted poll monitoring at 88 poll sites within Los Angeles County. Los Angeles County is required under federal law to provide translated voter materials in six languages other than English. APALC targeted these poll sites based on 2004 estimates of API populations, the number of requests for language assistance, historical need, and Los Angeles County's own internal targeting. APALC poll monitors observed that approximately one-third of the poll sites either were not supplied with translated sample ballots or did not display sample ballots in a manner that would be visible and accessible to voters. With a touchscreen interface, a limited English proficient voter who is at a poll

site without translated sample ballots can still vote by looking at the translated ballot on the touchscreen.

Voter surveys also indicate that API voters find touchscreen voting easy to use. In November 2004, Los Angeles County conducted early voting, using touchscreen voting machines, at poll sites throughout the county, including a poll site in Monterey Park. The population of Monterey Park is majority API. APALC conducted an exit poll of 100 voters at the Monterey Park early voting site over two days. Overall, 79% of the voters surveyed preferred touchscreen voting over Inkavote and punchcard voting. Based on our exit poll results, poll monitoring efforts and observations of the AutoMARK, we believe the AutoMARK's touchscreen interface would serve to increase access for API voters, many of whom are limited English proficient.

Thank you.

Eugene Lee
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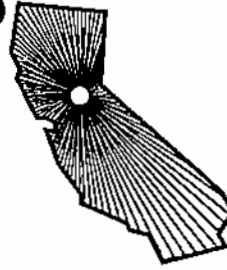
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CALIFORNIA COUNCIL OF THE BLIND



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www.ccbnet.org

June 16, 2005

Secretary of State
State of California
Voting Standards and Practices Committee
Re- Diebold Acu-Vote TS_X Voting System (DRE)

Dear VSP Committee,

The California Council of the Blind (CCB) found the Diebold Acu-Vote TS_X DRE to be generally accessible to blind and visually impaired voters. Many CCB voter advocates liked the keypad configuration and found the audio highly configurable.

The flexibility of the machine's ability to be used in one's lap or a table makes it desirable and accessible for voters with physical disabilities.

However, we did notice that there was no sip-and-puff feature when our advocates were shown this system.

Instructions were clear and easy to follow.

Although the paper trail component has magnification for visually impaired voters, there was no speech verification of the ballot for blind voters which we regard as a violation of the spirit of the legislation last year of Senate Bill 1438, Johnson/Perata.

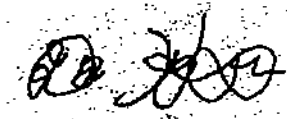
We will only support certification of voting systems when there is complete access, not partial access.

Please do not certify the Diebold Acu-Vote DRE until there is complete accessibility for all voters with disabilities.

Finally, please consider the addition of a person or persons with disabilities on the Voting

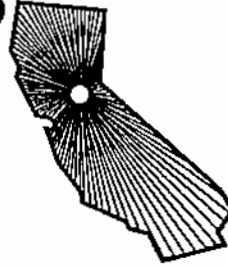
Standards and Practices Committee as many of these access issues would be resolved by this point.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan W. Kysor", with a stylized, cursive script.

Dan W. Kysor

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June 16, 2005

Secretary of State
State of California
Voting Standards and Practices Committee
Re- The ES&S "Auto Mark"

Dear VSP Committee,

The California Council of the Blind (CCB) is pleased with the ES&S "Auto Mark" voting system.

This system is very accessible to blind and visually impaired voters.
This solution of combining optical scan technologies with "DRE" technologies is truly elegant.

Several CCB voting rights advocates have used this system and have noted that ES&S has quickly incorporated consumer recommendations as to improvements of the system.

The speech is clear and configurable and navigation controls are logical and easy to use.

There are minor improvements which we feel would improve the system such as improving access to the machine to individuals with manual dexterity issues with respect to removing the ballot from the ballot printer and a different kind of privacy sleeve but generally, this is an excellent system and we urge the Committee to approve its certification today.

Sincerely,

June 20, 2005

Voting Systems and Procedures Panel
Attn: Bruce McDannold
1500 11th Street, 5th Floor
Sacramento, CA. 95814

RE: Certification for ES&S Auto Mark

Dear Panel Members,

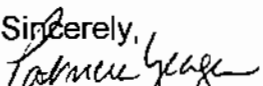
Over 140,000 people with disabilities in California live more independently, due to the assistance of 25 nonprofits, which are represented by the California Foundation for Independent Living Centers. We have reviewed the Auto Mark and find it has made significant strides toward disability access for all. There are still several items that need to be addressed. If these were addressed, CFILC would support the certification of the ES&S Auto Mark System.

ES&S is to be commended for going to the disability community in a multitude of ways to find out what needed to change for the Auto Mark to be truly useable. They have added the sip and puff feature as well as several other alternative ways to use the keyboard and enter a vote.

There are still problems for those whose hands cannot grasp the ballot to remove it and deposit in the ballot tabulator. While ES&S is suggesting a privacy folder, for many, if they could grasp a folder, they could most likely grasp the ballot!

The other concern is that the machine cannot go out for curbside voting. California still has whole counties that have no accessible polling sites so until polling sites are accessible, the Auto Mark will have to go out to the curb. I want to remind you that putting it on wheels may not solve the problem as the polling site that is inaccessible will have steps.

If these two items can be resolved before the first elections are held in 2006, CFILC will be happy to support the certification of the Auto Mark system.

Sincerely,

Patricia Yeager
Executive Director



California
Foundation
for Independent
Living Centers

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- Access Center of San Diego, Inc. - San Diego
- Center for Independence of the Disabled - Belmont
- Center for Independent Living - Berkeley
- Center for Independent Living - Fresno
- Central Coast Center for Independent Living - Salinas
- Communities Actively Living Independent & Free - Central LA
- Community Access Center - Riverside
- Community Rehabilitation Services - Los Angeles
- Community Resources for Independence - Santa Rosa
- Community Resources for Independent Living - Hayward
- Dayle McIntosh Center for the Disabled - Anaheim
- Disability Resources Agency for Independent Living - Modesto
- Disabled Resources Center - Long Beach
- FREED Center for Independent Living - Grass Valley/Marysville
- Independent Living Center of Kern County - Bakersfield
- Independent Living Resource Center San Francisco - San Francisco
- Independent Living Resource Center of Contra Costa & Solano Counties - Concord
- Independent Living Resource Center - Santa Barbara/Ventura/S.L.O.
- Independent Living Services of Northern California - Chico
- Marin Center for Independent Living - San Rafael
- Placer Independent Resource Services - Auburn
- Rolling Start, Inc. - San Bernardino/Inyo/Mono
- Service Center for Independent Living - San Gabriel/Pomona Valley
- Silicon Valley Independent Living Center - San Jose
- Southern California Rehabilitation Services - Downey
- Tri-County Independent Living, Inc. - Eureka
- Westside Center for Independent Living - Los Angeles

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June 20, 2005

Voting Systems and Procedures Panel

Attn: Bruce McDannold
1500 11th Street, 5th Floor
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RE: Oppose Certification for AccuView AVVPAT for
Diebold equipment

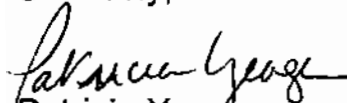
Dear Panel Members,

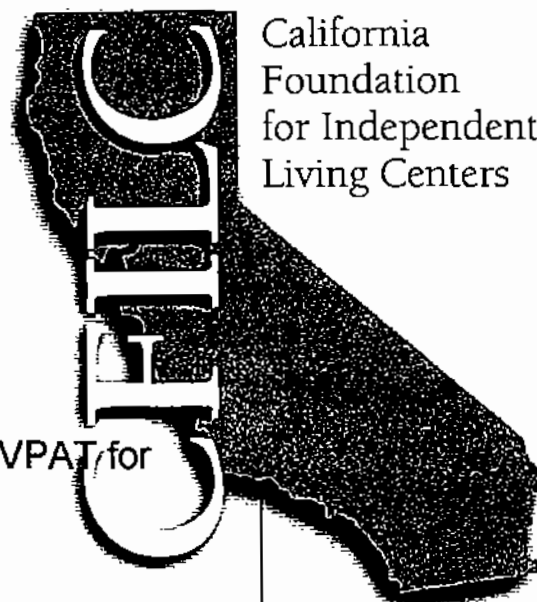
Over 140,000 people with disabilities in California live more independently, due to the assistance of 25 nonprofits, which are represented by the California Foundation for Independent Living Centers. We are opposed to the certification of the AccuView AVVPAT for the TSx voting system by Diebold. While we are desperate for accessible voting machines, this one is not finished yet.

SB1438 (Johnson-2004) mandated that an Accessible VVPAT be created. That means that blind people must have a separate auditory stream from the printer printing the paper trail in order to verify that the printer is printing a trail of the ballot as marked. The ability to privately and independently vote and verify one's vote is the core concept of the legislation. Currently blind voters cannot do that on this machine. It is also not accessible to persons who use a sip and puff device to control their environment, including accessing the keyboard of a computer or computer like device.

Please follow the law and ensure that Diebold creates a useable AVVPAT for everyone; not everyone but the blind. Thank you.

Sincerely,


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